

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Koji ABE et al.)
Application No. 10/564,852) Art Unit: 1795
Filed: January 17, 2006) Confirmation No. 5132
For: NON-AQUEOUS ELECTROLYTIC)
 SOLUTION FOR LITHIUM SECONDARY)
 BATTERY AND LITHIUM SECONDARY)
 BATTERY USING THE SAME)

SUPPLEMENTAL RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Communication mailed November 20, 2009, and supplemental to the Response to the Election Requirement filed October 14, 2009, Applicant hereby further elect, with traverse, hydrogen atom as the elected species of R²⁵, R²⁶, and R²⁷, oxalyl as the elected species of W, and alkynyl group having 2 to 12 carbon atoms as the elected species of Y⁶ recited in claims 13-15.

The species election is traversed since Applicant contends that all of the pending claims are readable on all of the species noted by the Examiner in the Office Action. Of course, Applicant maintains, as noted by the Examiner in the Office Action, that the designated species are not obvious variants of each other.

Consideration and allowance of the instant application are now respectfully requested.

Respectfully submitted,

Dated: December 1, 2009

/Jeffrey L. Costellia, Reg. No. 35,483/
Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
401 9th Street, N.W.
Suite 900
Washington, D.C. 20004-2128
(202) 585-8000